



**UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
09/227,213	01/08/99	YU	R 33241/290

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EXAMINER

WILLIAMSON, M

ART UNIT

PAPER NUMBER

1616

DATE MAILED: 05/26/99

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/227, 213

Applicant(s)

Yu et al

Examiner

W. H. Lamson

Group Art Unit

1616

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on 1/8/99
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-20 is/are pending in the application.
- Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- ☒ Claim(s) 1-20 is/are rejected.
- ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_
- ☒ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Interview Summary, PTO-413
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Other \_\_\_\_\_

Office Action Summary

Art Unit: 1616

## DETAILED ACTION

### *Pending Claims*

The pending claims in the instant application are 1-20. The independent claims are 1 and 11.

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 3-5, 7-9, 11, 13-15, 17 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by Friedman et al. (U.S. Patent 9,932,622) or Kealey et al. (U.S. Patent 5,378,455).

Friedman et al. discloses a composition capable of super moisturizing the skin comprising a salt of N-acetyl glutamic acid in an oil-in-water emulsion wherein the oil phase contains known oils acceptable for cosmetic use and other compounds employed to modify the texture, feel, rub-in after-feel, viscosity and other physical attributes and

Art Unit: 1616

the water phase contains water soluble components (see Abstract, Summary of the Invention and col. 2, line 46 to col. 4, line 23). The intended use is directed to the method of treating cosmetic conditions.

Kealey et al. discloses a composition for reducing, retarding or eliminating hair growth comprising N-acetyl proline in a cosmetically acceptable vehicle to act as a diluent, dispersant or carrier for other materials present including emollients, solvents, humectants, thickeners and powders (see Abstract, col. 2, line 65 to col. 11, line 7 and Examples 5 to 7). The intended use is directed to the method of treating cosmetic conditions.

3. Claims 1, 2, 4-6, 8, 9, 11, 12, 14-16, 18 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Green et al. (U.S. Patent 5,525,336).

Green et al. discloses a composition for protecting the skin comprising N-acetyl-D-glucosamine in a cosmetically acceptable vehicle to form a cream, gel, emulsion, liquid, suspension, nail coating, skin oil or lotion and optionally protectants such as moisturizers and sunscreens (see Abstract, Summary of the Invention and col. 3, line 13 to col. 8, line 15).

Art Unit: 1616

*Claim Rejections - 35 USC § 103*

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 5, 9, 10, 15, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Friedman et al. or Kealey et al. or Green et al.

The inventions Friedman et al., Kealey et al. and Green et al. have been discussed above. Neither patentee teaches or suggest the specific cosmetic, pharmaceutical, or other topical agent of the instant claimed invention (see claims 10 and 20). The Examiner takes Judicial notice that is well known in the cosmetic art to topical agents for their art recognized purpose of enhancing therapeutic effects of the cosmetic or pharmaceutical agents, to improve cosmetic conditions or to alleviate the symptoms of dermatologic disorder. Therefore, it would have been obvious to one of ordinary skill in the art to add topical agents for their art recognized purpose of enhancing the properties of the cosmetic or pharmaceutical agents.

Art Unit: 1616

6.

### **Crystal Mall 1 Facsimile Center**

A facsimile center has been established in Crystal Mall 1, room 7C10. The hours of operation are Monday through Friday, 8:45 AM to 4:45 PM. The telecopier number for accessing the facsimile machine is (703) 308-4556. The new location should be used in all instances when faxing any correspondence to Group 1600. Use of the new Crystal Mall 1 center will facilitate rapid delivery of materials to the Group. The faxing of all papers must conform with the notice published in the Official Gazette, 1096 O.G. 30 (November 15, 1989).

7. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Michael A. Williamson whose telephone number is (703) 308-1235.



Michael A. Williamson  
Patent Examiner  
Group 1610

May 22, 1999